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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/944,481

08/31/2001

Hussein Salama

2705-188

1568

20575

7590

01/11/2007

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EXAMINER

MURPHY, RHONDA L

ART UNIT

PAPER NUMBER

2616

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/944,481

Applicant(s)

SALAMA ET AL.

Examiner

Rhonda Murphy

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4,5,7-13,17,18,20-26,30,31,33-39,43,44 and 46-52 is/are allowed.
- 6) ☒ Claim(s) 1-3,6,14-16,19,27-29,32,40-42 and 45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This communication is responsive to the amendment filed on 8/10/06. Accordingly, claims 1-52 are currently pending in this application.

Response to Arguments

1. Applicant's arguments with respect to claims 1, 14, 27 and 40 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

1. Claims 1, 4, 7, 10, 11 and 27-39 are objected to because of the following informalities:
 2. In claims 1, 4, 7, 10 and 11, use of the term "configured to" makes the claim limitation following the term optional and does not require the steps to be performed. Refer to MPEP 2106 C and 2111.04. In order to overcome this objection, applicant may issue a statement that the limitation following the term "configured to" is a positive limitation.
 3. In claim 10, line 12, "identify" should be replaced with "identity".
 4. In claims 27, 30, 33, 36 and 37, lines 1-2, it is suggested to replaced "storage medium, the storage medium" with "computer-readable medium".Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1, 3, 6, 14, 16, 19, 27, 29, 32, 40, 42 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwama et al. (US 2003/0235187) in view of Lor et al. (7,082,133).

Regarding claims 1 and 14, Iwama teaches a device (Fig. 1, IP terminal) comprising: a network interface for coupling to a network (illustrated by link to voice relay router 107); and a processor coupled with the network interface (the processor is not illustrated, however, must exist to transmit call setup signal; page 11, paragraph 119), wherein the processor is adapted to transmit a call setup message to a device through a network to establish a connection session for exchanging data (page 11, paragraph 119; IP

terminal 106 transmits a call setup signal); receive from the device a reply message (IP terminal 106 receiving the reply signal; page 11, paragraph 119), analyze the reply message (page 11, paragraph 119; judging whether the calling address contained in the call setup signal has been registered); and transmit data to the device using the inferred attribute (page 11, paragraph 119; if the calling address is judged to be registered...signal is transmitted to the gateway device).

Iwama fails to explicitly disclose inferring from the reply message an attribute of the device for the connection session that is not included in the reply message. Iwama suggests an inferred attribute (page 11, paragraph 119; judging whether the calling address contained in the call setup signal has been registered as a bandwidth-available address).

However, Lor teaches inferring from the reply message an attribute of the device for the connection session that is not included in the reply message (col. 38, lines 33-42).

In view of this, it would have been obvious to one skilled in the art to infer an attribute not included in the reply message, in order to establish a connection based on excluded information and hence, provide a faster connection.

Regarding claims 3 and 16, Iwama teaches the inferred attribute as a maximum bandwidth that the device may receive data in (page 11, paragraph 119; judging whether the calling address contained in the call setup signal has been registered as a bandwidth-available address).

Regarding claims 6 and 19, Iwama teaches the call setup message as an H.323 version 3 faststart type message (page 11, paragraph 11); and the reply message is an RSVP Path type message (page 11, paragraph 11).

Regarding claims 27 and 40, Iwama teaches an article comprising: a storage medium, the storage medium having instructions stored thereon, wherein when the instructions are executed by at least one device (page 11, paragraph 119; storage device), they result in performing the same functions as described above in the rejection of claims 1 and 14.

Regarding claims 29 and 42, Iwama teaches the same limitations described in the rejection of claims 3 and 16.

Regarding claims 32 and 45, Iwama teaches the same limitations described in the rejection of claims 6 and 19.

8. Claims 2, 15, 28, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwama (US 2003/0235187) in view of Lor et al. (7,082,133) and Kato (US 6,940,819).

Regarding claims 2, 15, 28 and 41, Iwama teaches an inferred attribute, however, fails to disclose the inferred attribute as a codec type of the device.

However, Kato teaches a codec type of the device (col. 1, lines 38-39).

In view of this, it would have been obvious to one skilled in the art to include a code type of the device, in order to determine the type of codec used to convert the voice signals.

Allowable Subject Matter

9. Claims 4, 5, 7-13, 17, 18, 20-26, 30, 31, 33-39, 43, 44 and 46-52 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rhonda Murphy whose telephone number is (571) 272-3185. The examiner can normally be reached on Monday - Friday 8:00 - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RM

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